

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

ERICA MARX, )  
 )  
 Plaintiff, )  
 )  
 v. ) No. 4:06 CV 594 DDN  
 )  
 PHILLIPS & BURNS, )  
 )  
 Defendant. )

ORDER

This matter is before the Court for examination pursuant to Rule 4(m), Federal Rules of Civil Procedure.

Plaintiff commenced this action on April 6, 2006, naming Phillips & Burns as defendant. A review of the Court file shows that defendant Phillips & Burns has not been served in this matter nor has service been waived on its behalf. Under Rule 4(m), Federal Rules of Civil Procedure, the Court, after notice to the plaintiff, is directed to dismiss an action against a defendant upon whom service has not been made within 120 days after the filing of the complaint.

The Rule 4(m) period for service expires August 4, 2006, 120 days after the filing of plaintiff's complaint.

Therefore,

**IT IS HEREBY ORDERED** that plaintiff shall cause service to be effected upon defendant Phillips & Burns not later than August 4, 2006.

**IT IS FURTHER ORDERED** that, not later than August 14, 2006, plaintiff shall either (1) file proof of service on defendant, or (2) show good cause for not timely serving defendant. In the absence of good cause shown, failure to timely serve said defendant shall result in the dismissal of plaintiff's claims as to said defendant without prejudice.

  
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DAVID D. NOCE  
UNITED STATES MAGISTRATE JUDGE

Signed on July 11, 2006.